

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David S. Russell et al.

Title: CELLULAR COMMUNICATIONS SYSTEM WITH CENTRALIZED BASE STATIONS AND DISTRIBUTED ANTENNA UNITS

Docket No.: 500.002US

Filed: March 23, 1995

Examiner: Unknown

Serial No.: 08/410,129

Due Date: June 23, 1995

Group Art Unit: 2608

BOX NO FEE

Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet in duplicate containing Certificate under 37 CFR 1.8.
- ☐ Sheet(s) of ☐ formal ☐ informal drawing(s).
- ☐ An Assignment of the invention to _____ and Recordation Form Cover Sheet.
- ☐ A certified copy of a ☐ application, Serial No. ☐ filed ☐ 19, the right of priority of which is claimed under 35 U.S.C. Section 119.
- ☐ Small entity status of this application will be established at a later date.
- ☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27.
- ☐ A signed Combined Declaration and Power of Attorney.
- ☐ An unsigned Combined Declaration and Power of Attorney.
- ☐ A check in the amount of \$40.00 to cover the Assignment Recording Fee.
- ☒ A return postcard.
- ☒ Other: INFORMATION DISCLOSURE STATEMENT, (4 pages); PTO 1449 (4 pages).

☐ Amendment☒ No Additional fee is required☐ The fee has been calculated as shown:

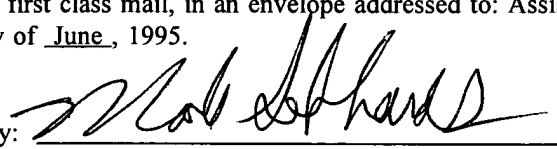
| CLAIMS AS AMENDED | | | | | | | | | |
|--|--|---|--|-------------------------|--------------|--------------|----|---------|--------------|
| | (1) Claims Remaining After Amendment | | (2) Highest Number Previously Paid For | (3) Present Extra | Small Entity | | or | OTHER | |
| | | | | | Rate | Add'l Fee | | Rate | Add'l Fee |
| TOTAL CLAIMS | - 20 | - | | | x 11 = | \$.00 | or | x 22 = | |
| INDEPENDENT CLAIMS | - 3 | - | | | x 38 = | \$.00 | or | x 76 = | |
| [] MULTIPLE DEPENDENT CLAIM PRESENTED | | | | | + 120 = | | or | + 240 = | |
| TOTAL | | | | | | | | | |

If the difference in Column (1) is less than zero, enter "0" in Column (2).

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional required fees or credit overpayment to Deposit Account No. 19-0743. A duplicate copy of this sheet is enclosed.

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described hereinabove, are being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on this 27th day of June, 1995.

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
3500 IDS Center, Minneapolis, MN 55402 (612-339-0331)

By: 
Name: Mark J. Gebhardt
Reg. No. 35,518
MJG:pah

(GENERAL)

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



S/N 08/410,129

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David S. Russell, et al. Examiner: Unknown

Serial #: 08/410,129 Group Art Unit: 2608

Filed: March 23, 1995 Docket: 500.002US7

Title: CELLULAR COMMUNICATIONS SYSTEM WITH CENTRALIZED BASE STATIONS AND DISTRIBUTED ANTENNA UNITS

#3 / Prior Art
R. Morgan
7/28/95

June 27, 1995

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In compliance with the duty imposed by 37 C.F.R. § 1.56, and in accordance with 37 C.F.R. §§ 1.97 et seq., a completed 1449 form is enclosed. Consideration of each of the listed documents by the Examiner is respectfully requested. Pursuant to the provisions of MPEP 609, Applicants respectfully request that a copy of PTO-1449, marked as being considered and initialed by the Examiner, be returned to the undersigned with the next Official Communication. Applicant does not represent the listed documents to be material to the examination of this application, but has cited same to make it clear beyond all doubt that the Duty of Disclosure has been complied with.

Copies of the documents listed on the PTO 1449 Form are not provided herein as they are of record in the parent case (U.S. Serial No.: 08/204,660, filed on March 2, 1994; Atty. Docket No.: 500.002US1).

INFORMATION DISCLOSURE STATEMENT

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Serial No.: 08/410,129

Filed: March 23, 1995

Title: CELLULAR COMMUNICATIONS SYSTEM WITH CENTRALIZED BASE STATIONS AND DISTRIBUTED ANTENNA UNITS

The following references were cited in the international search report for the parent case.

PUBLICATIONS

41st IEEE Vehicular Technology Conference, May 19-22, 1991, Gateway to the Future Technology, 91CH2944-7, British Telecom Research Laboratories, R P Merrett, A J Cooper & I C Symington, "A Cordless Access System Using Radio-Over-Fibre Techniques," pages 921-924.

As indicated in the international search report this reference only defines the general state of the art and is not considered to be of particular relevance to the claims of this application.

1993 43rd IEEE Vehicular Technology Conference, May 18-20, 1993, Personal Communication - Freedom Through Wireless Technology, Waseca Technology Inc., Philip M. Wala, "A New Microcell Architecture Using Digital Optical Transport," pages 585-588.

This publication has a publication date of May 18, 1993 and is by one of the inventors of the above-identified application. Its publication date is not more than one year prior to the filing of the above-identified application which has priority for various claims based on several other previously filed applications. It is not prior art to the above-identified invention.

1993 43rd IEEE Vehicular Technology Conference, May 18-20, 1993, Personal Communication - Freedom Through Wireless Technology, PacTel Corporation, W.C.Y. Lee, Terry Benz, Ron Rudokas, published May 18, 1993, "Intelligent Microcell Applications In PCS," pages 722-725.

This publication has a publication date of May 18, 1993. Its publication date is not more than one year prior to the filing of the above-identified application which has priority for various claims based on several other previously filed applications upon which this application bases its priority. Such applications, include 07/946,402, 07/946,964, 07/946,931, and 07/946,548, all filed on September 17, 1992 and to which the above-identified application bases priority upon.

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Serial No.: 08/410,129

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This includes priority for at least claims 1-7, 12-18, 39, and 42. This publication also appears cumulative with patent references previously filed in the patent office with Lee as the inventor. In addition the international search report indicates that this reference only defines the general state of the art and is not of particular relevance to the claims of this application.

Vehicular Technology Society 42nd VTS Conference Frontiers of Technology, From Pioneers to the 21st Century, May 10 1992, GTE Laboratories Incorporated, Vincent O'Byrne, "TDMA and CDMA in a Fiber-Optic Environment," Volume 2 of 2, pages 727-731 .

This publication describes the use of a cable network for provisioning of cellular services. However, as indicated in the international search report, this only defines the general state of the art with respect to the claims of the above-identified application and is not considered to be of particular relevance.

The publication by the assignee entitled "And now a few words from your Customers . . ." is not prior art to any claims of the above-identified application except for claims 40-41 and 43-44 which have priority based upon at least U.S. Application 08/183,221, filed January 14, 1994. This publication does not describe the filtering functions described in these claims.

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Applicant respectfully petitions that any additional fees or overpayments be charged or
credited to Deposit Account 19-0743.

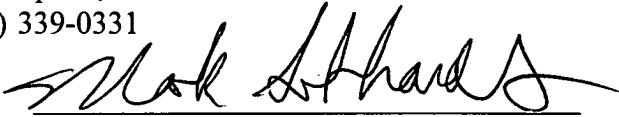
Respectfully submitted,

DAVID S. RUSSELL ET AL.

By his attorneys,

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Date: 27 June 95

By: 
Mark J. Gebhardt
Reg. No. 35,518

MJG:pah

I hereby certify that this correspondence
is being deposited with the United States
Postal Service as first class mail in an
envelope addressed to Assistant
Commissioner for Patents, Washington,
D.C. 20231 on June 27, 1995.

Mark J. Gebhardt


Signature